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15 Attorneys for Plaintiff

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 Charles Jason Moran,
19 Plaintiff,
20 v.
21 Piper Jaffray & Co.,
22 d/b/a Piper Jaffray,
23 Defendant.

CASE NO: 08-cv-3188

**DECLARATION OF MATTHEW C.
HELLAND IN OPPOSITION TO
DEFENDANT'S**

**(1) PETITION TO COMPEL
ARBITRATION; AND**
(2) MOTION TO STAY PROCEEDINGS

Date: August 22, 2008
Time: 9:00 a.m.
Place: Department 2, 17th Floor
Judge: Hon. Jeffrey S. White

1 1. My name is Matthew C. Helland. I am over the age of eighteen and competent to
2 testify to the matters set forth herein. I make this declaration based on my own personal
3 knowledge. I am counsel of record for the Plaintiff in this action.

4 2. Prior to filing Defendant's petition to compel arbitration and motion to stay, Anne
5 Moriarty, Counsel for Defendant, called me. She requested that Plaintiff bring his case in
6 arbitration. I informed Ms. Moriarty that Plaintiff would be filing a request for arbitration, and
7 that he was pursuing this Court action pursuant to FINRA Code of Arbitration Procedure §
8 13804.

9 3. On July 16, I emailed Ms. Moriarty, requesting, among other things, that
10 Defendant withdraw their petition to compel arbitration and motion to stay these proceedings. On
11 July 17, I made the same request in a phone call with Ms. Moriarty and Gordon Young, also
12 counsel for Defendant. Mr. Young declined my request to withdraw this motion, but did not
13 dispute the application of FINRA Code § 13804.

14

15 I declare under penalty of perjury that the foregoing is true and correct.

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17 Dated: July 23, 2008

s/Matthew C. Helland

Matthew C. Helland

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